

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION – CLEVELAND**

In re:

DAVID R. CARAVONA,

Debtor.

Case No. 04-23498
Chapter 7
JUDGE MORGENSTERN-CLARREN

**STIPULATIONS PERTAINING TO MOTION BY
DEBTOR DAVID CARAVONA TO REOPEN CASE**

Debtor David R. Caravona, Sunset Station Casinos, Inc., and Clark County District

Attorney's Office, through counsel, hereby stipulate to the following facts:

1. On November 13 and 14, 2003, David Caravona ("Debtor") wrote six checks to Sunset Station Casinos, Inc. d/b/a Sunset Station Hotel & Casino ("Station Casinos"), totaling \$15,000.00.
2. These checks were subsequently dishonored by the Debtor's Cleveland bank as being written on insufficient funds.
3. When the Debtor returned to his home in Parma from his trip to Las Vegas, he made two monthly payments to Station Casinos totaling \$2,000.00. These payments were made in the months of May and June 2004.
4. Following the Debtor's failure to make any further payments to Station Casinos in July and August 2004, on August 23, 2004, Station Casinos, filed complaints with the Clark County District Attorney's Office ("DA") because of five checks totaling \$13,000 negotiated on November 13 and 14, 2003 by Debtor in Las Vegas, Nevada that had been dishonored for insufficient funds by Debtor's bank in Cleveland, Ohio; true copies of the complaints and checks are attached hereto as Exhibit A.
5. On September 1, 2004, the DA sent a Notice of Bad Check(s) to the Debtor's home address, 7192 Parma Park Boulevard, Parma, Ohio 44130, advising the Debtor that acceptance into Clark County's Bad Check Diversion Program was an alternative to immediate prosecution.
6. On September 13, 2004, the DA sent another letter to the Debtor stating that criminal charges were being processed against him and that he should make restitution if he wished to participate in Nevada's Deferred Prosecution Program.

7. Debtor filed a Chapter 7 bankruptcy in the Northern District of Ohio on October 21, 2004.
8. In the Chapter 7 bankruptcy that was filed, among the debts listed in Schedule F and amended Schedule F, respectively, are the following:
 - A. Office of the District Attorney
Bad Check Diversion Unit
200 South Third Street, 5th Floor
Attn: David Roger
Las Vegas, Nevada 89101
 - B. Sunset Station Hotel – Casino
1301 West Sunset Road
Henderson, Nevada 89024-6607
 - C. That the Office of the District Attorney shows as being “listed for precaution.”
 - D. That the Sunset Station Hotel - Casino shows as being “credit” in the amount of \$15,000.00.
9. In Question 8 in the Statement of Affairs, the Debtor lists, in part, “\$13,000.00 - gambling - Las Vegas - November, 2003.”
10. On November 2, 2004, Debtor’s attorney, Robert J. Berk, wrote a letter to the Office of the District Attorney, Bad Check Diversion Unit, advising of the filing of the bankruptcy, and enclosing a copy of the first meeting notice; a true copy of the letter is attached hereto as Exhibit B.
11. Also on November 2, 2004, the DA wrote to Debtor’s attorney, Robert J. Berk, and stated, in part, the following: “It is my understanding that DAVID A CARAVONA has filed or intends to file a bankruptcy petition and that he/she/they believe(s) that such action precludes us from instituting or continuing with our criminal case. THIS IS NOT TRUE. . . . While we still may negotiate the time for payment of restitution in any case, we do not intend to collect any amount of money from DAVID A CARAVONA at this time, but to proceed with our right to prosecute what we believe to be a criminal violation of laws of the State of Nevada.” A true copy of the letter is attached hereto as Exhibit C.
12. On November 23, 2004, the DA filed a Criminal Complaint in the Justice Court, Henderson Township, against the Debtor (case number 04FH2890X) alleging five counts of drawing and passing a check without sufficient funds in Debtor’s bank account with intent to defraud.
13. On December 3, 2004, the DA wrote another letter to Debtor’s attorney, Robert J. Berk; a true copy of the letter is attached hereto as Exhibit D.

14. No objection to discharge or complaint to determine the dischargeability of any debt was filed by anyone in Debtor's bankruptcy case, including the Debtor, the DA, and Station Casinos.
15. The Debtor did not file a motion or complaint alleging violation of the automatic stay by the DA or Stations Casino. The Debtor did not seek injunctive relief from this Court under 11 U.S.C. section 105, or otherwise, against the DA or Stations Casino.
16. Debtor received a discharge in this Chapter 7 bankruptcy on January 20, 2005, and the bankruptcy case was closed on the same date.
17. On September 19, 2005, Debtor was arrested by officers of the Parma Heights Police Department on the basis of the arrest warrant issued by the DA.
18. The Parma Heights Police Department contacted the DA by telephone, and the DA confirmed the arrest warrant and the decision to have the Debtor extradited to Clark County, Nevada for arraignment and trial on the charges stated in the criminal complaint.
19. The Debtor posted a cash bond in the amount of \$14,975.00 with the Parma Heights Police Department; a true copy of the receipt is attached hereto as Exhibit E.
20. The DA accepted the cash bail transfer as full restitution, the Debtor was released, the arrest warrant quashed, and the criminal charges filed against the Debtor in Clark County, Nevada were dismissed on October 31, 2005.

s/ Robert J. Berk

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s/ Timothy B. McGranor

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s/ Joseph C. Winner

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Attorney's Office

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2006, I electronically filed the foregoing with the Bankruptcy Court using the CM/ECF system which will send notification of such filing to the persons identified below, and I hereby certify that I have mailed by U.S. Postal Service the foregoing document to the non-CM/ECF participants identified below:

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s/ Joseph C. Winner

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